

Subdivisions

CHAPTER 17

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¹ For State law as to land subdivision and development, see Code of Va. §§ 15.1-465 to 15.1-485. As to local Planning Commission, see Code of Va., §§ 15.1-437 to 15.1-445. As to Architectural Design Control, see Chapter 4 of this Code. As to buildings, see Chapter 5. As to Zoning, see Chapter 18.

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Article 1. In General

Sec. 17-1 Definitions

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

Alley. A minor public street which is used primarily for vehicular service access to the back or the side of properties having principal frontage on another street.

Approve. Includes "or disapprove"

Comprehensive Plan. The plan as defined and provided for in §§ 15.1-446 and 15.1-447 (2) of the Code of Virginia, prepared by the Planning Commission and approved by the Town Council for the general physical development of the Town, including any unit or part thereof and any amendment to such plan or part thereof.

Cul-de-sac. A minor street with only one outlet and culminated by a turnabout.

Distances and Areas. Measurements in a horizontal plane.

Final Plat. The final map, drawing or chart on which the subdivider's plan of subdivision is presented to the Town Council for approval, and which, if approved will be submitted for recording.

Local Street. A public street primarily designed to serve as access to abutting property and not intended to provide for through traffic movement.

Local Thoroughfare. A public street primarily designed to serve as access to abutting property, and to provide secondary through traffic movement.

Lot. A portion of a subdivision intended for transfer of ownership, of for building development for a single building and its accessory buildings. The term shall include "plot" and "parcel".

Official Map. The map established by the Council of the Town showing the streets, highways, waterways and public areas, or additions thereto, resulting from the approval and filing of subdivision plats.

Planning Commission or Commission. The Planning Commission of the Town.

Plat. Includes the terms: map, plan, plot, replat, or replot; a map or plan of a tract or parcel of land which is to be, or which has been subdivided. When used as a verb, "plat" is synonymous with "subdivide".

Preliminary Plat. The preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission for its consideration.

Reserve Strip. A narrow plot of land alongside a public street, of insufficient depth for subdivision, retained by the subdivider to prevent access to the street by the owner of adjoining property.

Roadway. That portion of the street available for vehicular traffic, and where curbs are laid, being the portion from face to face of curbs.

Service Drive. A public street, generally paralleling and contiguous to a main traveled way, primarily designed to promote safety by eliminating promiscuous ingress and egress to the right-of-way and providing safe and orderly points of access at fairly uniformly spaced intervals.

Street. A public way for vehicular or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, expressway, road, avenue, boulevard, lane, place, circle or otherwise.

Street Width. The horizontal distance between the street lines, or property lines, measured at right angles to the side lines.

Subdivider. A person owning any tract, lot or parcel of land to be subdivided; a group of two or more persons owning any tract, lot or parcel of land to be subdivided, who have given their written power of attorney to one of their group or to another individual to act on their behalf.

Subdivision.

(a) The division of a parcel of land into two or more lots or parcels of less than two acres, each for the purpose, whether immediate or future, of transfer of ownership or building development.

(b) Where a new street is involved, any division of a parcel of land, regardless of the size of the parcels.

(c) The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street, except private streets serving industrial structures.

(d) The division or allocation of land as open spaces for common use by owners, occupants or leaseholders.

(e) The division or allocation of land as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.

(f) The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided. (Code 1962, §13-4; 2-66)

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Tree. Any self-supporting woody plant growing upon the earth which usually produces one

main trunk with a diameter of no less than four (4) inches at a height of four and one-half (4 1/2) feet above the ground, and which produces a more or less distinct and elevated head with many branches. Any Dogwood or American Holly whose main trunk measures no less than two (2) inches in diameter at a height of three (3) feet above the ground shall be considered a tree. (NEW. 2-25-74)

Tree Canopy or Tree Cover. All areas of coverage by plant material exceeding five (5) feet in height. (New 9-25-89)

Sec. 17-2 Interpretation and Purpose of Chapter.

In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements adopted for the protection of the public health, safety and welfare. Such provisions are intended to provide for permanently wholesome community environment, adequate town services, safe streets, and the integrity of the Chesapeake Bay Preservation Areas and quality of state waters as established in Article 21.1, Chapter 18 (Zoning). (Code 1962, §13-2; 2-66; 1-6-92)

Sec. 17-3 Planning Commission to Administer Chapter; Authority of Planning Commission Generally.

The Planning Commission is hereby delegated general authority to administer this Chapter. The Commission is charged with the responsibility of approving preliminary plats in accordance with the regulations contained in this Chapter, and its members shall be appointed for terms of three (3) years or to fill the unexpired term of a vacant seat on the Commission. The Commission shall likewise consider final plats and make recommendations for approval or disapproval to the Council, which retains unto itself the authority for final approval of final plats, and shall exercise all other powers conferred upon it by the Code of Virginia and the Charter of the Town of Vienna. No agent of the Town shall have authority to waive or authorize any departure or waiver from the application of this Chapter. (Amend. 6-75)

Sec. 17-4 Compliance with Chapter Required; Conference Between Subdivider and Town Manager, etc., Prior to Preparation of Plat.

No person shall subdivide any tract of land situated within the Town except in conformity with the provisions of this Chapter and the provisions of State law relating to land subdivision and development. Each subdivider shall confer with the Town Manager, Zoning Administrator and Director of Public Works before preparing the preliminary plat, in order that he may become familiar with the requirements of these regulations and the comprehensive plan as they may apply to the land proposed to be subdivided, it being understood that the Town Council shall not be bound by any statements made in such conference. (Code 1962, §13-5; 2-66)

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Sec. 17-5 Making and Recording Plats Required Generally.

Any subdivider of any tract of land situated within the Town who subdivides the same shall cause a plat of such subdivision, with reference to known or permanent monuments, to be made and to be recorded in the office of the Clerk of the Circuit Court of the County. (Code 1962, §13-6; 2-66)

Sec. 17-6 Procedure for Obtaining Final Approval Generally.

In obtaining final approval of a proposed subdivision by the Planning Commission and the Town Council, the subdivider shall submit a preliminary plat, improvement plans, a performance bond, a maintenance bond and a final plat in accordance with these regulations. (Code 1962, §13-7; 2-66)

Sec. 17-7 Approval and Certification of Plat Required Prior to Recording.

No plat of any subdivision of any tract of land which is situated within the Town shall be recorded in the office of the Clerk of the Circuit Court of the County unless and until it shall have been submitted to and approved by the Town Council in accordance with the regulations set forth in this Chapter and so certified by the Mayor or other agent designated by the Council. (Code 1962, §13-28; 2-66)

Sec. 17-8 Changes on Preliminary of Final Plat After Approval.

No change, erasure or revision shall be made on any preliminary or final plat, nor on accompanying data sheets after approval has been endorsed in writing on the plat or sheets unless authorization for such change has been granted in writing by the Planning Commission or the Town Council, as appropriate. (Code 1962, §13-19; 2-66)

Sec. 17-9 Sale of Land in Subdivision Prior to Recording Plat.

No person shall sell or transfer any land located within a subdivision by reference to or exhibition of or by other use of a plat of a subdivision before such plat has been duly recorded as provided in this Chapter, unless such subdivision was lawfully created and the plat thereof duly recorded prior to February 7, 1966. (Code 1962, §13-29; 2-66)

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Sec. 17-10 Issuance of Building or Repair Permits.

No building or repair permits shall be issued for any structure on a lot in a subdivision for

which a plat has not been approved and recorded in the manner prescribed in this Chapter. (Code 1962, §13-30; 2-66)

Sec. 17-11 Furnishing of Municipal Services.

No municipal services whatsoever will be provided by the Town in any subdivision which has not been approved as provided for in this Chapter, or in which the necessary water and sewage facilities have not been dedicated to and accepted by the Town.
(Code 1962, §13-31; 2-66)

Sec. 17-12 Variances.

Where in the case of a particular proposed subdivision it can be shown that strict compliance with the requirements of this Chapter would result in extraordinary hardship to the subdivider because of unusual topography; or where conditions peculiar to the site would result in inhibiting the achievement of the objectives of these regulations, the Town Council may vary, modify or waive the requirements so that substantial justice may be done and the public interest secured; provided, that such variance, modification or waiver will not have the effect of nullifying the intent and purpose of these regulations or interfering with carrying out the comprehensive plan of the Town; and provided further that the Town Council shall not vary, modify or waive any requirements establishing lot widths or the front footage of lots and this section shall not be construed to grant such authority to the Council. Any variance, modification or waiver thus authorized shall be entered in the minutes of the Council with a statement of the reason on which the variance was justified and shall be noted on the final plat.
(Code 1962, §13-44; 2-66; 12-7-81)

Sec. 17-13 Vacation of Plats.

Vacation of recorded plats or portions of recorded plats may be accomplished with approval of the Town Council, in accordance with the applicable provisions of state law relative to land subdivision and development. (Code 1962, §13-45; 2-66)

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Article 2. Preliminary Plat

Sec. 17-14 Preparation; Scale.

The preliminary plat shall be clearly and legibly drawn to a scale of not more than one

inch equals one hundred (100) feet and shall be plainly marked "Preliminary Plat". The preliminary plat shall be prepared by a surveyor or certified professional engineer duly licensed by the state. (Code 1962, §13-23; 2-66)

Sec. 17-15 Contents. (Amend. 2-89; 1-90; 8-90; 1-92)

The preliminary plat shall show, on a map, all the facts needed to enable Planning Commission to determine whether the proposed layout of land in a subdivision is satisfactory from the standpoint of public interest, and shall include the following information:

- A. Proposed subdivision name or identifying title and a description of its location.
- B. Name and address of record owner, subdivider and designer of preliminary layout.
- C. A statement, if such is the case, that the subdivider intends to actually record and develop only a portion of the land included in the subdivision layout.
- D. Location of property lines, existing easements, buildings, watercourses, existing utilities, culverts and other essential features.
- E. The names of all abutting subdivisions and the names of owners of record of abutting property.
- F. Location, names and present width of existing and proposed streets, highways, easements, alleys, parks and other public open spaces within and immediately adjacent to subject subdivision.
- G. All parcels of land proposed to be dedicated for public use and the conditions of such dedication.
- H. Date, true north point, scale and a key map showing the general location of the proposed subdivision in relation to surrounding development.
- I. Deed description and map of survey of the tract boundary made and certified by a licensed surveyor.

- J. The location of sidewalks, sanitary sewers, storm drains, water mains, curbs and gutters, and the sizes and types thereof; and the location of manholes and basins and underground conduits.
- K. Connections with existing sanitary sewers and existing water supply.
- L.
 - 1. Provisions for collecting and discharging surface water drainage and preliminary designs for any bridges or culverts which may be required. Such provisions shall include, but not be limited to:
 - (a) Preliminary grading plan for the site;
 - (b) A separate sheet indicating existing drainage divides;
 - (c) Pre-development run-off
 - (d) Post-development run-off;
 - (e) Off-site drainage, all of which shall be restricted to existing storm water drainage facilities, water courses, or stream beds
 - (f) Increased run-off due to development;
 - (g) Type of storm water management facility;
 - (h) Description of storm water management plan;
 - (i) Hydrography for ten (10) year storm;
 - (j) Designation of on-site storm drainage easements to be dedicated to the Town for overland drainage that exceeds a discharge of four (4) cubic feet per second, or that traverses a minimum of three (3) lots;
 - 2. Except with the expressed written approval of the Director of Public Works;
 - (a) No surface water control or drainage piping shall be installed with a fall of less than one percent (1%);
 - (b) All finished surface grading shall have a slope of at least two percent (2%);
 - (c) Runoff, diversion, or channelization of surface water to adjacent properties shall be zero, or such amount as is recommended by the Director of Public Works, and shown on the preliminary plat to be the minimum attainable through use of the best available technology, considering all of the applicable circumstances, but in no case shall the runoff be more than the runoff prior to the development; (Amend. 8-90)
 - (d) The capacity of all storm drainage facilities shall be designed to exceed by at least ten percent (10%) that required to meet ten (10) year storm design criteria;
 - (e) No diversion of surface water drainage into existing storm water control facilities shall cause the total flow into or through such facilities to exceed the lesser of ninety percent (90%) of their designed capacity or ninety percent (90%) of their actual capacity as installed; and

- (f) All storm water control facilities shall be located on land within the subdivision which they serve except for pre-existing water courses or Town-owned storm water facilities into which they discharge.
- M. The proposed lot lines with dimensions and lot areas.
- N. The zoning classification and proposed use for the area being subdivided; and any proposed changes in the use, height or area under any zoning regulations applicable to the area.
- O. Contours at vertical intervals of not more than five (5) feet. (Code 1962, § 13-24; 2-66)
- P. The location and type of all existing trees. If the property is densely wooded in whole or in part, the limits of such densely wooded areas may be shown on the plan in lieu of locating individual trees within these areas. (Amend. 2-74)
- Q. A tree protection plan specifically identifying by species, size and location all trees six (6) inches in diameter measured four (4) feet above grade which are to be preserved and maintained through and after construction and providing for the protection of same prior to grading or movement of heavy equipment and for the parking of construction vehicles outside the drip line of said trees. (Amend. 10-88)
- R. Specifications for the removal of trees and protection of trees during clearing and destruction. (Amend. 2-74)
- S. Grade changes or other work adjacent to a tree that is to be preserved which might affect it adversely, with specifications on how the ground drainage and aeration will be maintained around said tree. (Amend. 2-74)
- T. Certification that all trees designated to be maintained in (q) above will be maintained and if destroyed or damaged beyond saving during construction the same will be replaced in the same location by a tree of like species not less than four (4) inches in diameter measured four (4) feet from grade. Said certification will be accompanied by a cash or surety bond satisfactory to the Town to insure such maintenance and replacement or specifically made a part of that performance bond required by Section 17-65 of this Chapter. (New 10-88)
- U. The exact location of any grave, object or structure marking a place of burial on the lands proposed for subdivision. (New 1-90)

- V. Identification and delineation of all Chesapeake Bay Preservation Areas as

required by Article 21.1 of Chapter 18 (Zoning).

- W. A written explanation of measures to be employed in Chesapeake Bay Preservations Areas to meet the criteria and intent of the Chesapeake Bay Preservation Act. Including any best management practice as required by Section 17-64.1 and as established in Article 21.1, Chapter 18 (Zoning).
- X. For Chesapeake Bay Preservation Areas, a water quality impact assessment as required by Article 21.1, Chapter 18 (Zoning).

Sec. 17-15.1 Planting and Replacement of Trees. (New 9-25-89; Amend. 7-91)

A. The preliminary plat required by this Article shall be accompanied by a plan providing for the planting and replacement of trees on site during development to the extent that, at maturity of twenty (20) years, minimum tree canopies or covers will be provided in the respective zoning districts of the Town as follows:

1. Twenty percent (20%) tree canopy in the RS-16; RS-12.5; and RS-10 zones.
2. Fifteen percent (15%) in the RM-2 and RTH zones.
3. Ten percent (10%) tree canopy in the T; C-1; C-1A; C-2; CMP and CM zones.

B. All trees planted shall meet the specifications of the American Association of Nurserymen and the Town shall maintain in writing a system for rating the desirability for planting of various tree species which writing shall be available in the office of the Director of Public Works.

C. The planting of trees shall be done in accordance with either the standardized landscape specifications jointly adopted by the Virginia Nurserymen's Association, the Virginia Society of Landscape Designers and the Virginia Chapter of the American Association Society of Landscape Architects, or the road and bridge specifications of the Virginia Department of Transportation.

D. Existing trees which are to be preserved as otherwise provided in this Chapter may be included in the plan to meet all or part of the canopy requirements, and may include wooded preserves, if the site plan identifies such trees and the trees meet standards of desirability and life expectancy established by the Town.

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E. The Town Council may grant reasonable exceptions or deviations from the requirements of this section when strict application of the requirements would result in

unnecessary or unreasonable hardship to the developer, or to allow for reasonable development of the following:

1. Areas devoid of woody materials.
2. Dedicated school sites.
3. Playing fields and other non-wooded recreation areas and uses of a similar nature.

F. Violation of this section shall constitute a Class 3 misdemeanor punishable by fine of not more than two hundred fifty dollars (\$250.00) and each day after the first during which such violation shall continue shall constitute a separate violation.

Sec. 17-16 Reservation of Land for Public Purposes.

The Town Council may require subdividers of subdivisions to dedicate land for streets, parks, playgrounds, libraries, municipal buildings and similar public uses, subject to the following regulations:

- (a) Subdividers shall not be required to dedicate land for parks or playgrounds exceeding five percent (5%) of the area of the subdivision, exclusive of street and drainage reservation, without reimbursement by the Town. Where land is required in excess of this amount, the reimbursement by the Town shall be based on a proportionate share of (1) cost of raw land, (2) cost of improvements, including interest on investment, (3) development costs, (4) plus not more than ten percent (10%) profit on the total of such costs.
- (b) Subdividers shall not be required to reserve land for public purposes other than streets, drainage, parks and playgrounds, except on a reimbursement basis. They shall not be required to hold such land proposed for purchase by the Town longer than twelve (12) months following the recording of the plat for such purchase. If such land is not purchased by the Town within the twelve (12) months, it may be sold as lots for the same purposes for which the subdivision was platted. To facilitate such possible eventual sale of reserved land as separate lots, the subdivider shall show on his final plat, by dotted lines and dotted numbers, the sizes and dimensions of lots to be created within the boundaries of any such reserved land, and may sell such lots, after the expiration date of the reservations, by lot numbers, without filing an amended plat. The Council shall make certain that any such reserved land is divisible into lots and streets in a manner compatible with the remainder of the subdivision, so that the subdivider will not be required to reserve an unusable portion of his subdivision.

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- (c) The requiring of the dedication of public spaces as provided in subsection (a) of this section shall not constitute an acceptance of the dedication by the Town. (Code 1962, §13-24; 2-66; 12-67)

Sec. 17-17 Application for Approval

Whenever any subdivision of land is proposed, and before any permit for the erection of a structure shall be granted, the subdivider shall apply in writing to the Planning Commission for approval of his subdivision and submit to the Commission ten (10) copies of a preliminary plat complying with the requirements of this Chapter. Such plans shall be accompanied by a fee for the examination or approval of plats as set forth in the schedule of fees adopted by the Town Council and shall be collected by the Director of Finance of the Town for deposit to the credit of the General Fund. (Code 1962, §13-8; 2-66)

Sec. 17-18 Discussions about Plat with Planning Commission, etc; Recommended Changes.

The subdivider shall discuss the preliminary plat with the Planning Commission or Zoning Administrator in order to determine whether or not his preliminary plat generally conforms to the requirements of this Chapter and of the zoning regulations. The subdivider shall then be advised in writing, which may be by formal letter or by legible markings on a copy of one of the preliminary plats submitted, concerning any additional data that may be required. (Code 1962, §13-9; 2-66)

Sec. 17 -19 Referral to Town and County Officials.

The Planning Commission shall transmit copies of the plat for their study and recommendations to the Zoning Administrator, Director of Public Works, Town Manager, Town Police Department, County Fire Marshal and such other official body or agency as may be deemed necessary by the Commission. (Code 1962, §13-10; 2-66)

Sec. 17-20 Time within which Planning Commission to Act.

The Planning Commission shall act on the preliminary plat within sixty (60) days after filing unless such time is extended by agreement with the subdivider, during which period it shall receive a written report with recommendations from each official or agency enumerated above. If no action is taken by the Commission within the sixty (60) days after filing or such longer period as may have been agreed upon, the preliminary plat as filed shall be deemed approved and it shall be the duty of the Commission to comply with §17-21. (Code 1962, §13-11; 2-66)

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Sec. 17-21 Notice of Action Taken by Planning Commission.

The Planning Commission shall, as soon as possible, consider the reports and pass on the plat. It shall then set forth its recommendations in writing, whether of approval, modification or disapproval. In case of modification or disapproval, it shall give its reasons therefor to the subdivider who may revise the plat accordingly. Upon approval of the preliminary plat by the

Commission, the Commission shall forthwith return one copy of the approved preliminary plat to the subdivider and the subdivider may proceed with the preparation of the final plat. (Code 1962, §13-2; 2-66)

Sec. 17-22 Effect of Approval

The approval of the preliminary plat by the Planning Commission is revocable, does not constitute a guarantee of approval of the final plat and does not constitute final approval or acceptance of the subdivision by the Council or authorization to proceed on construction of improvements within the subdivision. (Code 1962, §13-13; 2-66)

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Article 3. Final Plat.

Sec. 17-23 Subdivider to Furnish Engineering Data; Approval of Director of Public Works.

Before submitting the final plat to the Town Council for approval, the subdivider shall furnish all plans and information as listed in §§ 17-24 to 17-26 and as necessary for the detailed engineering consideration of the improvements required and obtain the approval of the Director of Public Works, which shall be endorsed thereon. Each final plat submission shall also be

accompanied by a fee payable to the Town of Vienna in the amount as set forth in the schedule of fees as adopted by the Town Council. (Code 1962, §13-14; 2-66; 4-92)

Sec. 17-24 Engineer or Surveyor to Prepare Plat.

Every final plat shall be prepared by a surveyor or certified professional engineer duly licensed by the State. (Code 1962, §13-25; 2-66)

Sec. 17-25 Owner's Statement.

Every final plat, or the deed of dedication to which such plat is attached, shall contain in addition to the engineer's or surveyor's certificate a statement as follows: "The platting or dedication of the following described land (here insert correct description of the land subdivided) is with the free consent and in accordance with the desire of the undersigned owners, proprietors and trustees (if any)." The statement shall be signed by such persons and duly acknowledged before some officer authorized to take acknowledgments of deeds. When thus executed and acknowledged, the plat, upon approval as specified in this Article, shall be filed and recorded in the office of the Clerk of the Circuit Court of the County and indexed under the names of the owners of the land signing such statement and under the name of the subdivision. (Code 1962, §13-26; 2-66)

Sec. 17-26 Contents.

The subdivision plat submitted to the Town Council for final approval and subsequent recording shall be clearly and legibly drawn in ink upon tracing cloth, or other approved media, at a scale of not more than one hundred (100) feet to the inch. In addition to the requirements of §17-25, the following shall be shown on the final plat:

- (a) Name of subdivision, town, county, state, owner and subdivider; north point, the scale and date of drawing; number of sheets; and the name of the licensed professional surveyor or engineer.
- (b) Location of proposed subdivision by an insert map at a scale of not less than six (6) inches equal one (1) mile indicating thereon adjoining roads and their names and numbers, town, subdivision and other landmarks.

- (c) Boundary survey, with an error of closure within the limit of one (1) in ten thousand (10,000), related to the true meridian. The survey may be related to the U.S.C. and G.S. state grid north if the coordinates of two (2) adjacent corners of the subdivision are shown.
- (d) Certificate signed by the surveyor setting forth the source of title of the owner of the land subdivided, and the place of record of the last instrument in the chain of title.
- (e) When the subdivision consists of land acquired from more than one source of title, the outlines of the various tracts shall be indicated by dash lines, and identifications of the respective tracts shall be placed on the plat.
- (f) The accurate location and dimensions by bearings and distances with all curve data of all lot and street lines and center lines of streets; boundaries and widths of all easements; boundaries of parks, school sites or other public areas; the number and area of all lots; all existing and platted streets, their names, numbers and widths.
- (g) All dimensions shown in feet and decimals of a foot to the closest one-hundredth of a foot; all bearings in degrees, minutes and the nearest ten seconds.
- (h) The data for all curves along street frontage shall be shown in detail at the curve or at a curve data table showing the following: Delta, radius, arc, tangent, chord and chord bearing.
- (i) All survey monuments and benchmarks, together with their description.
- (j) The accurate outline, dimensions and purposes of all property which is offered for dedication or is to be reserved for acquisition for public use, or is to be reserved by deed covenant for the common use of the property owners in the subdivision.
- (k) If a zoning change is involved, certification from the Zoning Administrator shall accompany the plat, stating that the change requested has been approved and is in effect. (Code 1962, §13-27; 2-66)
- (l) A plat note indicating if the property, or any portion thereof, is within any Chesapeake Bay Preservation Area and indicating what specific additional restrictions will apply to the property as set forth in Article 21.1, Chapter 18 (Zoning). (Amend. 1-6-92)

Sec. 17-27 Submission to Council for Approval.

- (a) The subdivider shall within six (6) months after receiving the Planning Commission's official notification concerning the preliminary plat, file with the Town Council an original and ten (10) copies of a final subdivision plat in accordance with this Article. Failure to do so shall make preliminary approval null and void. The Council may grant an extension up to six (6) months to a subdivider who has a reasonable basis, in the Council's opinion, for requesting such an extension.
- (b) The final plat shall conform to the preliminary plat; except, that it shall incorporate all changes or modifications required by the Commission.
- (c) The Council shall transmit copies of the plat for their study and recommendations to the Zoning Administrator, Director of Public Works, Town Manager, Town Police Department, County Fire Marshal, Town Planning Commission and such other official body, company or agency as Council may deem advisable. (Code 1962, §13-16; 2-66)

Sec. 17-28 Notification of Subdivider Prior to Consideration by Council.

The Town Council shall notify the subdivider by mail ten (10) days prior to the date of consideration of the final plat. (Code 1962, §13-17; 2-66)

Sec. 17-29 Actions of Council.

- (a) The Town Council shall, within sixty (60) days from the date of submission of the final plat, approve, modify or disapprove such plat, and failure to act within sixty (60) days shall be deemed approval. The Council's approval of the plat shall be certified by the Mayor or other agent designated by the Council and attested by the Clerk, by so indicating on the final plat. If the plat is disapproved, a statement of the reason for such action shall be attached to the plat and returned to the subdivider.
- (b) The plat shall not be approved until the subdivider has complied with the general requirements and minimum standards of design in accordance with this Chapter. (Code 1962, §13-18; 2-66)

Sec. 17-30 Filing of Final Plat after Approval.

When the final plat has been approved by the Town Council, one copy shall be delivered to the Planning Commission, one copy to the Director of Public Works and one to the Town Clerk for their respective files. The original plat, duly certified, shall be given to the subdivider for recording in the office of the Clerk of the Court of the County. (Code 1962, §13-20; 2-66)

Sec. 17-31 Recording.

The subdivider shall record the final plat in the office of the Clerk of the Circuit Court of the County within sixty (60) days after the date of approval; otherwise the final plat shall be null and void, and the Town Council's approval thereof automatically withdrawn. (Code 1962, §13-21; 2-66)

Sec. 17-32 Reapproval by Town Council upon Failure of Subdivider to Record.

In the event that an approved plat is not recorded within sixty (60) days from the date of its final approval as provided for in §17-31, such plat may be resubmitted to the Town Council for reapproval, upon payment of a fee of one hundred fifty dollars (\$150.00). Upon certification to it by the Zoning Administrator that no change has been made in the resubmitted plat from the one originally approved, the Council may approve such resubmitted plat. If, however, any change has been made in this Code or other Town ordinances since the original approval of the plat which would affect the subdivision or any portion thereof, as shown on the plat, the provisions of this section for reapproval shall not apply, and the plat shall be treated as a new application, pursuant to the other provisions of this Chapter. (Code 1962, §13-22; 2-66)

Article 4. Design Standards

Division 1. Generally

Sec. 17-33 Compliance with Comprehensive Plan and Official Map.

The proposed subdivision shall conform to the comprehensive plan and official map of the Town. (Code 1962, §13-32; 2-66)

Division 1.1 Sewers, Storm Drains and Utilities (New 3/97)

Sec. 17-33.1 Location.

All sanitary sewers, storm drains and utilities shall be located in and under streets, alleys or public ways unless the Planning Commission in its administration of this Chapter determines that such location is not engineeringly feasible or is not practicable or would conflict with the intent of this Chapter or Chapter 18 of this Code.

In such event, the Planning Commission may approve alternate locations after first having complied with §17-55 of this Chapter.

Division 2. Streets

Sec. 17-34 Arrangement, Character, Extent, Etc.

The arrangement, character, extent, width, grade and location of all streets shall conform to the official map and comprehensive plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety and in their appropriate relation to the proposed uses of the land to be served by such streets. Where not shown on the official map or comprehensive plan, the arrangement and other design standards of streets shall conform to the provisions found in this Division. (Code 1962, §13-33; 2-66)

Sec. 17-35 Relation to Adjoining Street Systems.

The arrangement of streets in new subdivisions shall make provisions for the continuation of the existing streets in adjoining areas, and shall in every case provide at least one street which shall connect with, intersect with, or join in a safe and approved manner one or more already existing and paved streets within the Town. (Code 1962, §13-33; 2-66; 1-67)

Sec. 17-36 Projection of Streets.

Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets. (Code 1962, §13-33; 2-66)

Sec. 17-37 Streets to be Carried to Property Lines.

When a new subdivision adjoins unsubdivided land susceptible to being subdivided, all new streets which will terminate at the boundaries of unsubdivided tracts shall be constructed to such boundaries. (Code 1962, §13-33; 2-66)

Sec. 17-38 Street Jogs.

Street jogs with centerline offsets of less than two hundred fifty (250) feet shall be avoided. (Code 1962, §13-33; 2-66)

Sec. 17-39 Dead-end Street or Cul-de-sac. (Amend. 5-11-87)

Dead-end streets or cul-de-sacs, designed to be so permanently, shall not be longer than eight hundred (800) feet and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least ninety (90) feet, and a street property line diameter of at least one hundred ten (110) feet. If a dead-end street is of a temporary nature, a similar turn-around shall be provided and provision made for future extension of the street into adjoining properties. (Code 1962, §13-33; 2-66; 5-87)

Sec. 17-40 Service Drives.

Service drives shall be required as shown on the master street plan.
(Code 1962, §13-33; 2-66)

Sec. 17-41 Widths; Dedication of Rights-of-Way.

No streets of less than full width shall be allowed. Street widths shall not be less than as follows:

<u>Street Type</u>	<u>Width</u>
Service Drives	32 feet
Secondary and Local Streets	50 feet
Main Arterial and Inner Loop	60 feet

When a subdivision abuts any dedicated right-of-way or any street which is included in the state system of secondary highways, the subdivider shall be required to dedicate, for each side of such street to which the subdivision abuts, up to one-half of any right-of-way necessary

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to make such street comply with the minimum right-of-way width fixed for the same. The subdivider shall be responsible for grading and surfacing of and installation of all curb, gutter and sidewalk on all such dedicated area according to specifications established by the Town.

(Code 1962, §13-33; 2-66)

Sec. 17-42 Intersections.

The intersection of more than two (2) streets at one point shall be avoided except where it is impracticable to secure a proper street system otherwise. Streets shall intersect one another at an angle as near to a right angle as possible, and no intersections of streets at angles less than sixty (60) degrees shall be approved. Street intersections shall be rounded with a curve of a radius acceptable to the Planning Commission. (Code 1962, §13-33; 2-66)

Sec. 17-43 Deflections.

Where a deflection angle of more than ten (10) degrees in the alignment of a street occurs, a curve of reasonably long radius shall be introduced. On streets fifty (50) feet or more in width the center line radius of curvature shall not be less than three hundred (300) feet. (Code 1962, §13-33; 2-66)

Sec. 17-44 Reserve Strips.

Reserve strips controlling access to streets shall be prohibited except under conditions approved by the Planning Commission. (Code 1962, §13-33; 2-66)

Sec. 17-45 Grades.

No street grade shall be less than one percent, and shall not exceed the following, with due allowances for reasonable vertical curves:

<u>Street Type</u>	<u>Percent Grade</u>
Service Drives	8%
Secondary and Local Streets	10%
Main Arterial and Inner Loop	8%

(Code 1962, §13-33; 2-66)

Sec. 17-46 Names and Numbers.

Names of new streets shall not duplicate existing or platted street names unless a new street is a continuation of, or in alignment with the existing or platted street. House numbers shall be assigned in accordance with the house numbering system now in effect in the Town. (Code 1962, §13-33; 2-66)

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Sec. 17-47 Access to Streets across Ditches.

The subdivider shall provide access to all proposed streets across all ditches or watercourses in a standard method approved by the Director of Public Works.

(Code 1962, §13-33; 2-66)

Sec. 17-48 Vacation.

The Planning Commission shall not recommend the vacation of any street or part of a street dedicated for public use, if such vacation interferes with the uniformity of the existing street pattern or any future street plans prepared for the areas. (Code 1962, §13-33; 2-66)

Sec. 17-49 Private Streets.

Private streets shall not be approved nor shall public improvements be approved for any private street. (Code 1962, §13-33; 2-66)

Sec. 17-50 Street Interval.

In general, provisions should be made for through streets at intervals not exceeding one thousand six hundred (1,600) feet. (Code 1962, §13-33; 2-66)

Division 3. Alleys

Sec. 17-51 Residential Areas.

Alleys shall not be permitted in residential areas except where, in the opinion of the Planning Commission, it considers such alleys to be necessary because of unusual circumstances. (Code 1962, §13-34; 2-66)

Sec. 17-52 Commercial and Industrial Districts.

Alleys shall be provided in the Commercial and Industrial districts and where commercial or industrial zones abut residential zones (RS-16, RS-12.5 or RS-10) except, after receiving a recommendation from the Town Manager, the Planning Commission may waive the alley requirement and require a twenty (20) foot utility easement in lieu of the alley or otherwise provide for the disposition of land area which would be occupied by said alley, where other definite and assured provision is made for service access, such as off-street loading, unloading and parking, consistent with and adequate for the uses proposed and where such waiver will not limit access to any existing alley.

Sec. 17-53 Width.

The right-of-way width of an alley shall be twenty (20) feet. (Code 1962, §13-34; 2-66)

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Sec. 17-54 Dead-end Alleys.

Dead-end alleys shall not be permitted. (Code 1962, §13-34; 2-66)

Division 4. Easements

Sec. 17-55 Public Utilities and Storm Drains.

Provision shall be made for easements for public utilities and storm drains as determined by the Planning Commission. No buildings or structures shall be permitted on easements without approval of the Commission. (Code 1962, §13-35; 2-66)

Sec. 17-56 Streams and Watercourses.

Wherever any stream, pond or surface watercourse is located in an area that is being subdivided, the subdivider shall, at his own expense, make adequate provisions for the proper drainage of surface water and shall also provide and grant to the Town an easement along such streams and watercourses meeting the approval of the Planning Commission. (Code 1962, §13-35; 2-66)

Sec. 17-57 Lengths.

Block lengths shall not exceed one thousand (1,000) feet or be less than three hundred (300) feet. (Code 1962, §13-36; 2-66)

Sec. 17-58 Width.

Blocks shall be wide enough to allow two (2) tiers of lots of minimum depth. However, the Planning Commission may approve a single tier of lots where (1) fronting on major streets, or (2) prevented by topographical conditions, or (3) size of the property so requires. (Code 1962, §13-36; 2-66)

Sec. 17-59 Crosswalks.

In blocks over nine hundred (900) feet long, pedestrian crosswalks may be required by the Planning Commission in locations deemed necessary to public health, convenience and necessity. Such crosswalk shall be five (5) feet wide, adequately lighted and be straight from street to street. The crosswalks and associated lighting shall be installed by the subdivider and dedicated to the Town. (Code 1962, §13-36; 2-66)

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Division 5. Lots

Sec. 17-60 Dimensions.

Lot dimensions and areas shall satisfy the requirements of the zoning regulations. (Code 1962, §13-37; 2-66)

Sec. 17-61 Location.

Each lot shall abut on a street dedicated by the subdivision plat or on an existing publicly dedicated street. Interior lots having frontage on two streets shall be prohibited except where unusual conditions, in the opinion of the Planning Commission make other design undesirable. (Code 1962, §13-37; 2-66)

Sec. 17-62 Corner Lots.

Corner lots shall have extra width sufficient for maintenance of required building lines on both streets as required by the Zoning regulations. (Code 1962, §13-37; 2-66)

Sec. 17-63 Lines.

Side lines of lots shall be approximately at right angles, or radial to the street line. (Code 1962, §13-37; 2-66)

Sec. 17-64 Lot Remnants.

All remnants of land below minimum size left over after subdividing of a tract shall be added to adjacent lots unless the subdivider intends to effect the sale thereof or utilize such remnant in an adjacent subdivision rather than be allowed to remain as unsalable parcels. (Code 1962, §13-37; 2-66)

Sec. 17-64.1 Chesapeake Bay Resource Protection Areas.

Whenever a parcel being subdivided is in whole or partly located within a resource protection area, the parcel should be subdivided so that no development will occur within the resource protection area. If the subdivision cannot be accomplished without development must be in accordance with applicable provisions of Article 21.1, Chapter 18, including the use of best management practices for control of non-point source pollution to offset the effects of development within the resource protection area. The design, specifications and calculations of the proposed best management practice shall be submitted with the preliminary plat for review and approval by the Director of Public Works.

Binding documentation regarding the construction and maintenance of the proposed best management practice must be submitted and approved as part of the final plat. (Amend 1-92)
§ 17-65 Subdivisions § 17-65.1

Article 5. Improvements

Sec. 17-65 Performance Bond; Cancellation of Building Permits for Failure to Start Construction. (Amend. 7-12-82)

Before consideration of a final plat of a subdivision by the Town Council, the subdivider shall guarantee the completion of the improvements required by this Article by means of a bond executed by a surety company acceptable to the Council based on an estimate certified by the

Director of Public Works. The amount of the bond shall be the estimated cost of construction of such improvements plus ten percent (10%) for price escalation resulting from normal cost increases between the time of approval and the initiation of construction on a subdivision. The surety will be subject to the condition that the improvements will be completed within eighteen (18) months after approval of the final plat, unless such period is extended by the Council, and in the event they are not completed, the Town may proceed with the work and hold the owner and the bonding company jointly responsible for the costs thereof. As an alternative, the subdivider may deposit a certified check with and payable to the Director of Finance in place of the surety bond or a bank or savings and loan association's letter of credit on designated funds satisfactory to the Council. In the event that construction as indicated on the approved plat is not commenced within six (6) months of approval of the plat by Council, any and all building permits issued prior to such date for any such construction shall be null and void, and in such event, the owner shall thereafter and prior to commencing any construction provide Council with a certified check in the above mentioned amount, or with a renewed surety bond, which bond shall meet all the requirements hereinabove set forth, and shall be conditioned upon completion of all required improvements within eighteen (18) months after the initiation of such construction, and no building permit shall issue for any such construction indicated on such plat until the certified check or bonding requirement is met by the owner. (Code 1962, §13-15; 2-66; 1-67; 7-82)

Sec. 17-65.1 Use of Escrowed Improvement Funds. (New 7-3-00)

Town Council, in its discretion, may use funds escrowed pursuant to provision Sec. 17-65, above, and provision 5 of §15.2-2241 of the Code of Virginia 1950, as amended, for improvements similar to but other than those for which the funds were escrowed, if the Council (i) obtains the written consent of the owner or developer who submitted the escrowed funds; (ii) finds that the facilities for which funds are escrowed are not immediately required; (iii) releases the owner or developer from liability for the construction or for the future cost of constructing those improvements for which funds were escrowed; and (iv) accepts liability for future construction of these improvements. If the Town fails to locate such owner or developer after making a reasonable attempt to do so, the Town may proceed as if such consent has been granted. In addition, the escrowed funds to be used for such other improvement may only come from an escrow that does not exceed a principal amount of \$30,000 plus any accrued interest and shall have been escrowed for at least five (5) years.

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Sec. 17-66 Maintenance Bond.

The subdivider shall, immediately prior to acceptance thereof by the Town of any street, water line or sewer line, file a bond in the amount of ten percent (10%) of the original installation costs, to cover maintenance and repair arising from defective workmanship or material for a period of two (2) years. (Code 1962, §13-15; 2-66)

Sec. 17-67 Improvements at Subdivider's Cost.

The subdivider shall be responsible for the installation of all improvements listed below, all of which shall be installed at no cost to the Town, unless otherwise provided in this Code.

- (a) Monuments. Monuments shall be placed at all block corners, angle points, points of curves in streets and at intermediate points as shall be required by the Director of Public Works. The monuments shall be of such material, size and length as may be approved by the Director of Public Works. All monuments shall be clearly visible for inspection and use.
- (b) Alleys. All alleys shall be graded and surfaced.
- (c) Roadways, Sidewalks, Curbs and Gutters. All required roadways, including sidewalks, curbs and gutters along all lot lines of all dedicated rights-of-way. Entrance drives paved to the property line of each lot.
- (d) Street Name Signs. Street name signs shall be installed at all street intersections at locations approved by the Director of Public Works.
- (e) Lighting. Lighting facilities and light standards shall be approved by the Director of Public Works.
- (f) Water Lines. The subdivider shall connect with the Town water mains and provide a water connection for each lot within the subdivision.
- (g) Sewers. Sanitary sewer systems shall be connected to the Town sanitary sewer system, and each lot within a subdivision shall be connected to the sanitary sewer system.
- (h) Storm Water Disposal. Adequate provisions shall be made for the disposal of storm water. All storm drainage shall terminate in an approved watercourse. The connecting of any part of the storm sewer system to any part of the sanitary sewer system is prohibited.

- (i) Fire Hydrants. Fire hydrants shall be installed in all subdivisions. Fire hydrants standards shall be subject to the approval of the County Fire Marshal.
- (j) Utilities Below Ground. All new transmission, distribution and customer service utility facilities, carrying or used in connection with electric power, telephone, telegraph, cable television, petroleum, gas or steam, installed within the boundaries of any subdivision, the final plat of which is approved subsequent to April 28, 1969, shall be placed below the surface of the ground; provided, that:
 - (1) Equipment such as electric distribution transformers, switchgear, meter pedestals and telephone pedestals, which is normally installed above ground in accordance with accepted utility practices for underground distribution, may be so installed;
 - (2) Meters, service connections and similar equipment normally attached to the outside wall of the premises it serves may be so installed; and
 - (3) Temporary overhead facilities required for construction purposes will be permitted.
- (k) Any BMP facility or structure necessary to achieve the water quality standards of the Chesapeake Bay Preservation Act as stated in Article 21.1, Chapter 18 (Zoning). (Amend. 1-6-92)

All improvements herein required shall be in accordance with accepted standards of utility practice for underground construction. (Code 1962, §13-43; 2-66; 4-28-69; 6-2-69)

Sec. 17-68 Specifications.

Copies of approved specifications shall be made available to the subdivider on request. (Code 1962, §13-39; 2-66)

Sec. 17-69 Improvement Plans.

The subdivider shall submit to the Director of Public Works the following "as built" plans, drawn to a horizontal scale of one (1) inch to one hundred (100) feet or less and a vertical scale of one inch to twenty (20) feet or less. All elevations shall be referred to mean sea level.

- (a) The plan and profiles of each street with grades and street intersection elevations.

- (b) The plan and profile of sanitary sewers and storm water sewers with grades and

pipe sizes indicated, and a plan of the water distribution system showing pipe sizes and location of valves and fire hydrants. (Code 1962, §13-43; 2-66)

Sec. 17-70 Inspection of Construction.

Inspections during and after installation of improvements shall be made by the Director of Public Works to insure conformity with approved plans and specifications. The subdivider shall notify the Director of Public Works prior to beginning and completion of any improvements required under this Chapter. Fees for inspection shall be charged in accordance with the schedule of fees established by the Town Council. The subdivider shall provide adequate supervision on the project during construction of required improvements and shall keep one set of approved plans and profiles available on the project site at all times when work is being performed. (Code 1962, §13-40; 2-66)

Sec. 17-71 Acceptance of Improvements Generally. (Amend. 2-66; 2-89)

The Town Council shall not accept any required improvements until the Director of Public Works has certified in writing to the Town Council that all specifications have been met, and that a set of "as built" drawings prepared by a registered Land Surveyor or Professional Engineer has been furnished to the Town. Said "as built" drawings shall include:

- (a) Water lines and appurtenant structures;
- (b) Sanitary Sewer lines and appurtenant structures;
- (c) Surface water drainage lines, detention facilities, and appurtenant structures; and,
- (d) One-foot contours of the entire area, surface drainage arrows, invert and top elevations and slope of all installed pipes and structures.

Sec. 17-72 Acceptance Procedure.

The Town Council shall accept the improvements required by this Chapter by recording such acceptance in its minutes. In the event the Council shall fail to act on the recommendations of the Director of Public Works on any improvement required under this Chapter within ninety (90) days, such improvement shall be automatically accepted as of the last day of such ninety (90) day period. (Code 1962, §13-42; 2-66)